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Letter dated 3 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, and in accordance with paragraph 2 of resolution 1407 (2002), I have the honour to submit herewith the report of the team of experts (see annex).

The Committee would appreciate it if this letter, together with its annex, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Stefan **Tafrov**
Chairman
Security Council Committee established pursuant to
resolution 751 (1992) concerning Somalia

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Annex

Report of the team of experts appointed pursuant to Security Council resolution 1407 (2002), paragraph 1, concerning Somalia

Contents

	Paragraphs	Page
Organisations and abbreviations		3
Executive summary	1–11	4
I. Introduction	12–19	4
A. General	12–18	4
B. Methodology	19	5
II. Overview of the situation in and around Somalia	20–26	5
III. Main allegations of violations of the arms embargo	27–45	7
A. Summary of allegations	27–37	7
B. The approach to enhanced effectiveness in enforcement	38–45	8
IV. Resources required to generate independent information on violations and to improve the enforcement of the arms embargo	46–62	9
A. Cooperation with states	53–55	9
B. Cooperation with regional processes	56–57	10
C. Cooperation with international organisations and inter-governmental arrangements from outside the region	58–61	10
D. Cooperation with non-governmental bodies	62	10
V. Improving the enforcement of the weapon and military equipment embargo	63–82	11
A. Define the scope of the embargo	63–68	11
B. Enhance end-user verification	69–71	11
C. Establish a Panel of Experts in the region	72–79	11
D. Promote transparency and accountability over financial institutions in Somalia	80–81	12
VI. Recommended methodology of the Panel of Experts	82–89	12
Annexes		
1. Letter of appointment of the Team of Experts		15
2. List of meetings and consultations		16
3. List of main armed groupings in Somalia		19
4. List of alleged arms embargo violations		20
5. List of individuals		22

Organisations and abbreviations

ACRI	African Crisis Response Initiative
BICC	Bonn International Center for Conversion
CEWARN	Conflict Early Warning and Response Mechanism established by IGAD
ICAO	International Civil Aviation Organisation
IGAD	Intergovernmental Authority for Development (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda)
IMO	International Maritime Organisation
Interpol	International Criminal Police Organisation
IPIS	International Peace Information System
IRG	International Reference Group on Disarmament and Security in the Horn of Africa
NRC	National Reconciliation Conference sponsored by IGAD
OAU	Organisation for African Unity
Puntland	Self-proclaimed region in part of Somalia
Republic of Somaliland	Self-proclaimed independent state in part of Somalia
RRA	Rahenwayn Resistance Army Militia, active in Bay and Bakool regions
SALIGAD	Small Arms and Light Weapons: Assessing Issues and Developing Capacity for Peace in the Horn of Africa
SIPRI	Stockholm International Peace Research Institute
SRIC	Security Research and Information Centre
SRRC	Somali Reconciliation and Reconstruction Council
State of South and Southwest Somalia	Self-proclaimed government of a region of Somalia established mainly with RRA support
TNG	Transitional National Government in Somalia
UNDP	United Nations Development Programme
UNPOS	United Nations Political Office for Somalia
WA	Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies
WCO	World Customs Organisation

Executive summary

1. No effective central government has been in place in Somalia since 1991. A number of groupings in the country have significant military capacity that they sustain through acquisitions of arms and military equipment from outside the country.

2. Within the region there is currently an attempt to find a political solution leading to the creation of an effective government and administration in Somalia. The failure to enforce the arms embargo threatens to undermine that attempt.

3. The internal situation in Somalia contributes to insecurity and instability in neighbouring countries.

4. It is alleged that some governments supply arms and military equipment to armed groupings inside Somalia in order to further political and strategic objectives.

5. It is alleged that armed groupings in Somalia take advantage of illicit trafficking networks to meet their requirements.

6. It is alleged that international networks motivated by political or ideological factors supply arms to groupings in Somalia.

7. Arms acquisitions are financed in different ways including through revenues from local business activities, remittances from overseas Somali populations, donations from other states and international agencies, from the proceeds of organised crime and through contact with terrorist networks.

8. There is a need to define the scope of the embargo more clearly.

9. In the short term the effectiveness of the embargo can be enhanced through direct intervention with states neighbouring Somalia.

10. A regional monitoring system needs to be established in the region sustained by engagement with local initiatives in cooperation with the United Nations.

11. The Team of Experts recommends the establishment of a Panel of Experts consisting of at least three persons based in Nairobi, Kenya and provided with administrative support in Nairobi and New York.

I. Introduction

A. General

12. In preparation for a Panel of Experts, the Secretary-General on 23 May 2002, appointed a Team of Experts (S/2002/575) pursuant to paragraph 1 of Security Council resolution 1407 (2002) concerning Somalia. The Team of Experts was tasked to provide the Committee with an action plan detailing the resources and expertise that the Panel of Experts would require to be able to generate independent information on violations and for improving the enforcement of the weapon and military equipment embargo established by paragraph 5 of resolution 733 of 1992 (hereinafter referred to as "the arms embargo").

13. Paragraph 5 of resolution 733 (1992) states that:

> The Security Council..... decides, under Chapter VII of the Charter of the United Nations, that all states shall, for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Council decides otherwise.

14. The tasks the Panel of Experts would be expected to carry out as enumerated in paragraph 1 of resolution 1407 (2002) include:
    - investigating the violations of the arms embargo covering access to Somalia by land, air and sea;
    - detailing information in relevant areas of expertise related to violations and enforcement of the arms embargo in its various aspects;
    - carrying out field-based research, where possible, in Somalia, States neighbouring Somalia and other States, as appropriate;
    - assessing the capacity of States in the region to implement fuily the arms embargo, including through a review of national customs and border control regimes,
    - providing recommendations on possible practical steps for further strengthening the enforcement of the arms embargo.

15. The Team of Experts took note of the Statement of the President of the Security Council of 28 March (S/PRST/2002/8), the press release by Security Council Committee on Somalia of 29 May 2002 (SC/7417) and the Report of the Secretary General of 21 February 2002 (S/2002/189).

16. The Team of Experts consisted of Mr. Ian Anthony, (Stockholm International Peace Research Institute expert on arms) and Mr. Harjit S. Sandhu (expert with Interpol investigative experience) (see Annex 1).

17. The Team had its first organisational meeting at Stockholm International Peace Research Institute, Stockholm (Sweden) from 1 – 8 June 2002 and subsequently had informal consultations in New York with the Security Council Committee concerning Somalia on 10 June 2002. It was agreed that the Team's report would be submitted on 28 June 2002.

18. The Team received a great deal of logistical and moral support from the Security Council Committee concerning Somalia, the United Nations Secretariat, the United Nations Resident Coordinators and UNDP officials in all the countries it visited. Governments helped with information and advice, and many individuals provided useful information. The Team also received useful cooperation and assistance from Interpol and SIPRI and made proper use of their expertise.

B. Methodology

19. The Team interviewed government authorities, and where relevant, diplomatic missions, civil society organisations, aid agencies, private sector firms and journalists. The Team also contacted a number of key knowledgeable individuals including some of the Somalian faction leaders (Annex 2). Within the limited time frame the Team travelled to the neighbouring countries of Somalia, particularly Djibouti, Ethiopia and Kenya in order to gain first hand knowledge of the ground situation.

II. Overview of the situation in and around Somalia

20. Since 1988 Somalia has experienced a devastating civil war, which has driven millions of people abroad and killed and maimed hundreds of thousands more. This has led to the socio-economic deterioration and fragmentation of the state. No effective central government has been in place since 1991. A detailed picture of the evolution of the extremely complicated political and military situation inside Somalia is outside the scope of this report. Observations here are limited to those considered relevant to the issue of arms embargo violations and prospects for enhanced effectiveness in enforcement.

21. A number of groupings that are active in Somalia maintain a significant military capacity. While there is no precise estimate, authoritative observers believe that around 12–14 such groupings can be identified (Annex 3 and 5). The

nature of these main armed groupings is heterogeneous and the fighters they contain may owe loyalty at any given time to one of six types of authority:

a) An individual "warlord".
b) A recognised clan leadership (which might be one individual or a council).
c) A district governor.
d) The leadership of a region that extends over more than one district.
e) A religious (Islamic) movement.
f) A group that links two or more of these types of authority (such as the Transitional National Government (TNG) and the Somali Reconciliation and Reconstruction Council (SRRC)).

22. The military capability of each group is impossible to estimate with precision. Moreover, individual warlords or the leaders of sub-clan armed groupings may shift their allegiances from one authority to another depending on prevailing conditions. However, the largest grouping is believed to consist of roughly 7000 fighters and the smallest roughly 100 fighters. In addition there are said to be a large number of small but unaffiliated armed gangs whose services can be bought on a commercial basis by groupings temporarily seeking to enhance their capabilities. Collectively these unaffiliated gangs are believed to contain more fighters than the more stable groupings and purchasing their services can therefore shift the military balance in a particular location quickly. Annex 3 summarises information that was available to the Team, though it must be emphasised that table entries are no more than an estimate in each case.

23. All of the forces appear to be in essence light infantry that in certain cases have access to small quantities of heavy weapons. Where units are mechanized it is often through the use of civilian off-road vehicles. The needs of these groupings are limited by their objectives, which are often very local, and because they are unable to absorb large quantities of arms and equipment. The primary need could be for ammunition, fuel and spare parts for civilian vehicles being used for military purposes.

24. The nature of military engagements taking place in 2002 has changed in comparison with the early 1990s. Most engagements are localised and involve 30 to 50 combatants on either side. Very occasionally a bigger engagement may take place with up to 500 combatants on either side. Engagements rarely last more than one day, partly because of a shortage of ammunition but also because of the rapid intervention of clan leaders to end the fighting.

25. The internal situation in Somalia has had spill-over effects in all of the neighbouring countries. These countries all regard the internal security situation in Somalia as a current threat to their national security. Given legitimate security concerns, none of the neigbouring countries feel that they can remain indifferent to these developments.

26. There is an effort to develop a common strategy to improve the security situation in Somalia within a regional political framework. The main emphasis of these processes is to create a political framework in which Somalia can be governed more effectively. The regional processes recognise that the failure to enforce the arms embargo on Somalia is a factor that complicates and perhaps undermines their activities. Somali groupings seek to enhance their relative military capability during the period in which a political framework is being created in the belief that military power will guarantee both a seat at the table and more influence over the outcome. A failure to enforce the embargo is probably delaying the creation of a political framework among Somali groupings.

III. Main allegations of violations of the arms embargo

A. Summary of allegations

27. There is a common view that the embargo has not been enforced effectively since it was established in 1992. Violations have taken place up to the present day. Observers inside and outside the region share this view. Annex 4 lists the main identified allegations of violations since 1992.

28. The volume of arms flows has not been constant. In 1991 the collapse of the previous government released the stocks of the former armed forces into the internal market. Between 1992–94 there were significant arms acquisitions from Central Europe. After 1994 it is believed that the volume of arms flowing in was low as the amount of arms already in the country was very high. The volume is said to have increased in the period 1997–2000 as a side effect of the war between Ethiopia and Eritrea. From late 2001 there is said to have been another rise in the level of arms coming into Somalia as a part of the competition between Somali groupings in advance of the anticipated conference of concerned parties in Nairobi under the auspices of the IGAD.

29. In general the level of trafficking is low in comparison with the volumes involved in some other conflict locations. Typical reports speak of shipments consisting of one or several trucks, one air cargo load or on dhows that move goods around the coasts of East Africa and the Arabian peninsula. Over the period 1992–2002 there have been a few reports of larger shipments delivered by dedicated military transport vehicles.

30. The violations can be sorted into three generic types.

First, it is alleged that some governments supply arms and military equipment to armed groupings inside Somalia in order to further political and strategic objectives.

Second, it is alleged that armed groupings in Somalia take advantage of illicit arms trafficking networks to meet their needs. These networks supply arms for commercial rather than political objectives. One network connects the Somali community living and working outside Somalia to local arms markets. Reports mention Somali communities in Arab countries (notably Yemen) in particular. Individuals may bring small numbers of weapons—perhaps just one weapon or up to 5 or 6—along with them when returning to Somalia, often on board dhows that move goods and people through the local seaways to ports all along the coast of Somalia. Another means of moving small quantities of arms is across the land border by donkey. These weapons will be sold in local markets to raise cash. This commercial trafficking is not limited to arms. The same method is used to traffic other goods, such as endangered wildlife species, drugs and ivory.

Third, there are allegations that some of the armed formations that are active in Somalia are able to receive arms and military equipment through international networks that are motivated by ideological or political (rather than commercial) objectives.

31. Arms acquisitions are financed in the following ways:

- Through revenues generated by business activities in Somalia.
- Through donations from foreign governments.
- Through remittances from Somali nationals overseas.
- From the proceeds of organised crime, such as trafficking in drugs, endangered species and people.
- Through contact with terrorist networks.

32. In Mogadishu some leading businessmen have outflanked militia leaders from their own clans and have started buying the backing of individual militia fighters. This has allowed them to finance their own security forces and to buy weapons directly.

33. Since there is no government controlled financial sector in Somalia, certain remittance companies operating both inside and outside Somalia have stepped in to fill the gap. The remittances going through them can be divided into three broad categories:

i. Remittance to support the Somali families.
ii. Remittance for investment or starting a business in Somalia.
iii. Remittance for conducting trade in international markets.

34. Somalia's characteristics as a failed state make it attractive for hard-to-trace financial transactions and transhipment of goods and personnel. Once a payment for arms consignment has been routed through a remittance company, it becomes extremely difficult to trace. At least one remittance company named Al Barakat has come to Interpol notice on suspicion of financing terrorism.

35. Factions inside Somalia have received donations from friendly countries with ties to the region. The use to which these funds are put is not monitored. There are reports that the TNG received US$2.5 million in February 2002 from Libya for its security forces.

36. Though Somalia is not a particularly attractive site for a fixed base of operations for al-Qaeda, or for that matter for any other transnational terrorist network, it remains an excellent location for short-term transhipment and transit operations by all sorts of criminal and terrorist groups. Its innumerable dirt landing strips allow easy access by small aircraft and natural beach ports and long coast line allow easy and undetected smuggling of people and material.

37. Somalia appears prominently on the radar screen for drug trafficking and smuggling of human and wild life. Remittance companies operating in and outside Somalia provide criminals with a convenient tool for moving money internationally and for making payment for weapons purchases.

B. The approach to enhanced effectiveness in enforcement

38. The armed formations within Somalia regard enhancing their military capabilities as a main priority. Any design for a monitoring and enforcement strategy should assume that armed formations would not comply voluntarily.

39. Nevertheless there is an opportunity to enhance the effectiveness of the arms embargo. All neighbouring states have said that the even-handed enforcement of the arms embargo is in their interests. Equally, they see risks to themselves if the embargo is enforced in ways that favour particular groupings in Somalia.

40. In the light of the limited technical capacities available and the prevailing political atmosphere effective enforcement cannot rest on actions by states bordering Somalia alone.

41. The quickest way to enhance the effectiveness of the enforcement of the embargo is through direct diplomatic engagement by the Security Council Committee concerning Somalia with the states that border Somalia.

42. After their experience of the past 10 years regional actors believe that the international community has the capacity but lacks the will to enforce the embargo effectively.

43. The first objective should be to restore the credibility of the Security Council Committee concerning Somalia by making clear that a serious monitoring and enforcement effort is now being put in place.

44. Given the need to build confidence among all actors, the second objective should be to develop sustained cooperation between states outside the region, the immediate neighbours of Somalia, the United Nations and other relevant international organisations as well as non-governmental actors.

45. The enforcement effort should be linked to the development of the regional peace process to make it sustainable.

IV. Resources required to generate independent information on violations and to improve the enforcement of the arms embargo

46. In order to generate independent information the Panel of Experts will need the following resources.

47. The Panel of Experts itself will need sufficient human resources, including a Chairman and at least two additional members. The Panel will require access to various kinds of technical expertise. The following expertise will be required:

- Expertise on armaments.
- Expertise on civil aviation.
- Expertise on maritime transport.
- Expertise on regional affairs, including specialized knowledge of Somalia.

48. Time is a resource for the Panel of Experts and it is recommended that the duration of the activity should initially be six months.

49. The Panel of Experts will require administrative support in New York and in the East African region. The most efficient way to organise these resources would be for the Panel of Experts to be based in East Africa for the main duration of its activities.

50. The recommended size does not allow for all of the requisite expertise to be represented within the Panel of Experts. Therefore financial resources need to be sufficient to allow for specific expertise to be purchased from consultants. The resources need to be sufficient to permit the extensive travel required both within the region and to visit other relevant parties.

51. The information resources available to the Panel of Experts should include materials from open sources. There should be sufficient financial resources to pay subscriptions to public databases and news services.

52. Apart from open source material, the Panel of Experts will depend on cooperation with a number of different bodies from which the Security Council should formally request assistance.

A. Cooperation with states

53. States that export arms to states bordering on Somalia should be contacted to evaluate exports made during the period after the embargo was established with a view to establishing the risk that these items were diverted to Somalia.

54. States from whose territory it is alleged that arms and military equipment have been exported to Somalia should be contacted to gain any information relevant to the purposes of the Panel of Experts.

55. States that are known to monitor developments in and around the territory of Somalia (including its airspace, maritime boundaries and land borders) using their national technical means should be contacted and requested to provide information relevant to the purposes of the Panel of Experts.

B. Cooperation with regional processes

56. During meetings with the Team of Experts the representatives of the Organisation of African Unity (OAU) and the Inter-Governmental Authority on Development (IGAD) committed themselves to assist the activities of any Panel of Experts that is created.

57. The Team believes that the IGAD Conflict Prevention, Management and Resolution Unit would be a particularly important cooperation partner. The Panel of Experts' activities should be designed in a way that helps build a regional mechanism that could support IGAD activities beyond the life of the Panel. For example, IGAD could be requested to second an officer to the Panel as a regional specialist. This officer would then take back to IGAD the expertise and information acquired during the Panel.

C. Cooperation with international organisations and inter-governmental arrangements from outside the region

58. A precondition for arms embargo enforcement is an effective national export control system. A number of arms exporting states have recognised that national export controls can be made more effective through practical cooperation and sharing of information. Several initiatives and processes could be relevant to the improved enforcement of the weapon and military equipment embargo.

59. The states participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) as well as the WA secretariat should be contacted to establish whether or not an evaluation of the armament dynamic in the region of East Africa or in Somalia specifically has been made and if so whether this assessment could be made available to the United Nations. The states should be asked whether they can identify cases of export licence denials to Somalia or cases of denial of arms supply to other countries on the basis that there is a risk of diversion to Somalia.

60. The European Union Member States should be contacted to establish whether the military end-use controls introduced in Council Regulation (EC) no. 1334/2000 of 22 June 2000 has led to any information that might shed light on arms embargo violations. The military end-use control requires an exporter to apply for an export licence for the export of any item (whether or not it is contained on an export control list) to Somalia if the item is known to be for military use.

61. Interpol should be contacted to determine whether expertise on arms trafficking in Eastern Africa, organised crime in Eastern Africa, economic and financial crime in Eastern Africa and crime analysis could be available to the Panel of Experts on a continuous basis.

D. Cooperation with non-governmental bodies

62. Non-governmental organisations and research centres with specialised knowledge of the arms trade and developments in East Africa should be contacted to establish whether they would be prepared to make information and expertise available to the Panel of Experts.

V. Improving the enforcement of the weapon and military equipment embargo

A. Define the scope of the embargo

63. Written in 1992, before the extensive discussion of arms embargo reform that has subsequently taken place, Resolution 733 leaves room for national interpretation of its scope.

64. The Security Council could usefully clarify the scope of the embargo, preferably to make clear that the provision of financing and services of any kind that support military activities in Somalia is a violation of the embargo.

65. In paragraph 5 of the resolution the Security Council decides that 'all States shall, for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all *deliveries of weapons and military equipment* to Somalia until the Security Council decides otherwise'.

66. In paragraph 6 of the resolution the Security Council 'Calls on all States to refrain from any action which might contribute to increasing tension and to impeding or delaying a peaceful and negotiated outcome to the conflict in Somalia'.

67. Accordingly, it is unclear whether activities such as the provision of financing to train and equip armed groupings within Somalia and the provision of services (such as training, repair and maintenance of existing equipment) are within the scope of the embargo.

68. In addition, the scope of the term 'military equipment' could usefully be clarified either through the development of a reference list or through the adoption of a military end-use principle. In the case of Somalia the military end-use approach may be preferred because of the widespread use of civilian vehicles in military operations.

B. Enhance end-user verification

69. End-user verification is one of the most important instruments to prevent exported arms and military equipment from reaching unauthorised persons and organisations.

70. Recent reports under the auspices of the United Nations and the United States Department of State suggest that illicit arms transactions often originate in legitimate channels. The main activities identified are the fraudulent use of export documentation to acquire items through legitimate channels and the illegal diversion or re-export of items supplied using genuine documentation.

71. The Panel of Experts should have the authority and resources to take up contact with identified arms suppliers to states from whose territories violations of the arms embargo are alleged to have taken place with a view to verifying the subsequent use of arms exported to those states. In practice this would require (a) financial resources sufficient to carry out repeated country visits and (b) a document from the Security Council requesting or—preferably—requiring cooperation from national authorities.

C. Establish a Panel of Experts in the region

72. The creation of a Panel of Experts in East Africa, where Nairobi would be the most appropriate location, would maximise the chances of generating independent information.

73. First, a regional base would permit interaction with other resources that may have access to primary information. For example, UNDP Somalia has established a small arms project in Nairobi while the IGAD has established CEWARN (Conflict Early Warning and Response Mechanism). Moreover, Somali leaders and other individuals with important information regularly travel outside Somalia. The Panel of Experts may be able to meet with these individuals frequently and at short notice if it is based in the region.

74. Second, a regional base would facilitate visits to Somalia, which is an essential element in the overall investigation and monitoring exercise.

75. Giving the task of embargo investigation and monitoring to an existing UN body in the region could prejudice the prospects of that body being able to carry out its existing tasks. Therefore, it is recommended that a new entity be established, i.e., a Panel of Experts. While this new entity should be clearly separate from existing activities it should make use of the logistical and other UN resources already present in Nairobi to facilitate its operations.

76. To facilitate regular reporting and interaction with the Security Council Committee concerning Somalia, it is necessary for the Panel of Experts to include certain resources based in New York.

77. First, given the indefinite duration of the embargo, a central archive of documents and information generated both by the activities of the mechanism in East Africa and through other means is essential.

78. Second, a single person in New York should have responsibility for both the maintaining of the archive and the combination of information from different sources into consolidated reports available as UN documents.

79. Third, while enhancing the effectiveness of the implementation of the arms embargo on Somalia is sufficient justification to provide such resources, a central archive and consolidated reporting could provide materials that assist the wider UN sanctions enforcement effort and the activities of other Security Council Committees.

D. Promote transparency and accountability over financial institutions in Somalia

80. Somalia does not have a legal framework, technical expertise, security or operational central bank to regulate the working of any bank or financial institution. There is an urgent need to initiate a process to deal with these fundamental institutional and legal deficiencies. Until such time as an internationally regulated banking system is established in Somalia, the remittance companies will have to be encouraged to bridge the gap between their current methods of operations and what is required by the applicable international financial rules and regulations. Monitoring remittance companies and assistance to establish accountability in financial institutions should be a priority for the international community.

81. Donor countries and agencies should be encouraged to ensure transparency and accountability for the money given to Somalian leaders and agencies so that the risk that aid will be diverted for arms acquisition can be minimised.

VI. Recommended methodology of the Panel of Experts

82. Investigating cases of violations of arms embargo will require the Panel to use the following techniques:

83. **Questionnaires**: The Panel will need to seek specific information from the relevant countries, through their Permanent Missions to the United Nations, regarding certain arms shipments and the movement of suspicious aircraft used for illegal transportation of arms and ammunition. The Panel will also require details of exports from arms manufacturing countries to the region and the end-use of the same dating back to 1992. The Panel will also have to write to the countries geographically neighbouring to Somalia and other countries in the region (Djibouti, Ethiopia,

Egypt, Iran, Kenya, Saudi Arabia, Sudan and Yemen) which might have the ability to monitor air, land and sea traffic in the area to identify the origin of the carriers of illicit arms and ammunition.

84. **Interviews:** In certain identified countries the Panel members will need to interview government authorities, diplomatic missions, inter-governmental organisations, law enforcement agencies, civil aviation authorities and companies, civil society and non-governmental organisations, aid agencies, private sector firms, financial institutions, and journalists.

85. **Visits to countries:** It will be necessary for the Panel to travel to the countries involved, or alleged to be involved in the trafficking of weapons and military equipment to Somalia in violation of the arms embargo and to countries which can provide useful information about such violations, including information about the financing of acquisitions. It is felt that the Panel must visit Djibouti, Dubai, Ethiopia, Eritrea, Kenya, Libya, Poland, Russia, Saudi Arabia, Somalia, Ukraine, the United Arab Emirates, and Yemen.

86. **Field Trips:** There has been a lot of mystique attached to several places, particularly the air strips and sea ports within Somalia. To the extent that the security conditions permit, the Panel should visit such places to have a first hand knowledge on the situation. During these field visits, the Panel should try to speak to various factions involved in the conflict. Prominent armed groupings are listed in Annex 3.

87. **Assistance from International and Regional Organisations:** The Panel should seek cooperation and assistance from international and regional organisations such as Interpol, ICAO, IMO, IGAD, OAU and WCO and make proper use of their expertise. The facilities and databases available with the Sub-Regional Bureau of Interpol and ICAO-Somalia (both located in Nairobi) should be particularly utilized in pursuing information related to violations of arms embargo. The services of the Criminal Analysis Sub-directorate of the Interpol General Secretariat (Lyon, France) may also be requested to analyse the criminal intelligence available on these violations. The Interpol General Secretariat has the infrastructure in place to obtain information from its member countries using the X-400 system and ROCCIS (Regional Counter Crime Sharing Information System).

88. **Follow the Paper Trail and complete the Chain of Events:** There have been a number of allegations that different countries supply weapons and military equipment or finance the shipments of arms and ammunition. In some cases the weapons originate outside the region and are carried to Somalia directly or indirectly by certain suspicious airline companies. The Panel will be required to trace the entire sequence of events starting from the origin of weapons to the end-destination using documentary evidence and direct eye witness accounts of the persons involved. To prove the case convincingly, the Panel will need to obtain as many of the following documents concerning the planes involved in illegal arms supply to Somalia as possible:

- Copies of contracts signed by the contracting parties
- Requests and permissions for overflight and landing
- Flight plans
- Cargo manifests
- Airway bills
- Documents showing owners or operating agency of the aircraft involved
- Pilots logbooks

- Payments made
- Insurance documents for the cargo and the planes involved

89. Analysing these documents, the Panel can then trace the entire flight route taken by the aircraft bringing weapons to Somalia. In addition, the Panel will need to locate some of the pilots and the other crew members on board such aircraft. In case of shipments by land or sea, the oral testimony of eye witnesses may have to be relied upon.

Annex 1

Letter dated 23 May 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 1407 (2002), adopted by the Security Council on 3 May 2002, concerning Somalia. In paragraph 1 of the resolution the Council requested me to establish, within one month from the date of adoption of the resolution, in preparation for a Panel of Experts, a team of experts consisting of two members, for a period of 30 days, to provide the Committee with an action plan detailing the resources and expertise that the Panel of Experts would require to be able to generate independent information on violations and for improving the enforcement of the weapon and military equipment embargo established by paragraph 5 of resolution 733 (1992).

Accordingly, I wish to inform you that, after consultation with the Chairman of the Committee established pursuant to resolution 751 (1992) concerning Somalia, I have appointed the following experts:

Ian Anthony (Stockholm International Peace Research Institute expert on arms)

Harjit Singh Sandhu (expert with Interpol investigative experience).

(*Signed*) Kofi A. Annan

Annex 2. List of meetings and consultations

Belgium

International Peace Information Service (IPIS)

Djibouti

Government

Ministry of Foreign Affairs

Diplomatic, bilateral and multilateral agencies

European Union

IGAD

UNDP

Others

President of self-proclaimed Republic of Somaliland

Foreign Minister of self-proclaimed Republic of Somaliland

Ethiopia

Government

Ministry of Foreign Affairs

Ministry of Defence

Civil Aviation Authority

Diplomatic, bilateral and multilateral agencies

UNDP

France

The Team visited Interpol Headquarters in Lyon. Discussions were held with Specialised Officers dealing with arms trafficking, Organised Crime and Africa Sub-Division.

One member of the team attended a Partnership for Peace conference on export controls in Paris where discussions were possible with representatives from Russia, Ukraine, Belarus, Bulgaria and Moldova.

Germany

Bonn International Center for Conversion

Kenya

Government

Ministry of Foreign Affairs

Commissioner of Police

Civil Aviation Authority

Diplomatic, bilateral and multilateral agencies

France

Italy

UNDP Kenya

UNDP Somalia

UNPOS

Others

ACRI

IRG

SRIC

Sweden

Government

Ministry of Foreign Affairs

Diplomatic, bilateral and multilateral agencies

Kenya

Civil society

SIPRI

Stockholm Process

Switzerland

Small Arms Survey

United Kingdom of Great Britain and Northern Ireland

International Alert

Human Rights Watch

United States of America

Permanent Missions to the United Nations:

Ethiopia

Kenya

Norway

Somalia

Others

Monitoring Mechanism on Angola

Annex 3. List of main armed groupings in Somalia

Name	Location	Number of fighters	Alignment	Remarks
Security Forces of Somaliland	Northwestern Somalia	7000		
Al-Ittihad	Dispersed across Somalia	2000	TNG	Said to have divided into small cells that are dispersed in urban areas
Jama Ali Jama Militia	Puntland region	500		
Abdullahi Yusuf Ahmed Militia	Puntland region	1500	SRRC	
Mohammed Dhere Militia	South of Mogadishu	250		
Musa Sudi Yalahow Militia	Mogadishu	3000	SRRC	One of the strongest forces in Mogadishu
Hussein Mohamed Aideed Militia	Mogadishu	100	SRRC	
Mohamed Qanyare Afrah Militia	West of Mogadishu	700	TNG	One of the strongest forces in Mogadishu
Osman Ato Militia	Mogadishu	75		
Transitional National Government	Controls parts of Mogadishu and some surrounding areas	7000		Strength may be reduced by defections
Rahanweyne Resistance Army	Baidoa region	3000	SRRC	Led by Hassan Nur Shatigaduud
Somali National Front	Gedo region	300	SRRC	Alliance of Northern Marehan clan leaders
Juba Alliance	Town of Kismayo	800	TNG	Loose alliance of Southern Marehan leaders
Mohamed Said Hirsi Morgan	Mogadishu	400	SRRC	

Annex 4. List of alleged arms embargo violations

Date	Items	Alleged recipient	Alleged supplier
1993			
Oct.	Mortars and grenades	General Mohamed Farah Aideed	Iran
1994			
March	5000 assault rifles, 5000 handguns.	Somali police force.	United States
	Grenade launchers, machine pistols, pistols, revolvers, ammunition for these items		PHZ Cenrex, Poland; Arnex, Latvia
1997			
March	Ammunition	Mohamed Qanyare Afrah	
Mid-October	Light and heavy weapons	Hussein Mohamed Aideed	Libya
October 30 or 31	Ammunition for small arms, rocket propelled grenades, machine guns, anti-personnel landmines and grenades	Mohamed Said Hirsi Morgan and Ahmed Hashi Mohammed	Arrived from Ethiopia in a C-130 military transport aircraft.
1998			
August	Unspecified arms	Al Ittihad militia	Bangladesh and Kuwait
1999			
Feb. 18	3 ships carrying ammunition for light and heavy machine guns. Taken off in 13 trucks.	Hussein Mohamed Aideed.	Military transport ship allegedly chartered by Eritrea.
April 1	One truckload of ammunition.	Hussein Haji Bod militia.	Arrived from Ethiopia.
May	40 anti-aircraft guns, 4 armoured personnel carriers, 80 heavy machine guns, assault rifles, ammunition for aforementioned items	Hussein Mohamed Aideed, for onward shipment to Oromo Liberation Front.	Military transport ship allegedly chartered by Eritrea.
June 19	Assault rifles, heavy machine guns, ammunition for the aforementioned and explosives	Hussein Mohamed Aideed militia, allegedly for onward shipment to Oromo Liberation Front.	Military transport ship allegedly chartered by Eritrea.
2000			
January	Unspecified arms	Musa Sudi Yalahow	Arrived from Dubai via Djibouti

2001			
June 19	Assault rifles, machine guns, ammunition for said items, explosives	Hussein Mohamed Aideed	Eritrea, for onward shipment to Oromo Liberation Front.
2002			
March	Small arms ammunition	TNG militia	
April	12 mortars, several M30 artillery pieces, M30 artillery ammunition, mortar bombs, landmines and other unspecified ammunition	Unspecified militia opposed to the TNG	Ethiopia
April	Assault rifles, light machine guns, 4 heavy machine guns, 4 106mm caliber anti-tank guns, ammunition for the aforementioned items.	Abdullahi Yusuf Ahmed	Ethiopia.
May	Anti-aircraft rockets, mortar bombs, light weapon ammunition	TNG militia	
June 7	Nine heavy trucks containing anti-aircraft guns, assault rifles and mortars of different calibers along with ammunition for the aforementioned items.	Mohamed Sudi Yalahow and Mohamed Dhere	Ethiopia.
June 10	Unspecified arms	Jama Ali Jama	Yemen and Djibouti

Annex 5. List of individuals

Name	Remarks
Jama Ali Jama	Leader of militia in self-proclaimed region of Puntland.
Abdullahi Yusuf Ahmed	Leader of militia in self-proclaimed region of Puntland.
Shaati Quodudi	Militia leader in Southwest region
Hassan Nur Shatigaduud	Leader of RRA militia in southwest region of Somalia.
Omar Mohamed Mohamud "Finnish"	Leader of militia in Gedo region.
Mohammed Dhere	Self-proclaimed governor of Middle Shabelle district
Hussein Mohamed Aideed	Leader of militia in Mogadishu
Mohamed Qanyare Afrah	Leader of militia in Mogadishu
Mohamed Said Hirsi Morgan	
Musa Sudi Yalahow	Leader of militia in Mogadishu
Osman Ato	Leader of militia in Mogadishu

United Nations S/2002/723

Security Council

Distr.: General
3 July 2002

Original: English

Letter dated 3 July 2002 from the Permanent Representative of Canada to the United Nations addressed to the President of the Security Council

I am writing again to request an open meeting of the Security Council today under the Bosnia and Herzegovina agenda item. There is, and indeed there must be, adequate time for such a debate to take place before the Security Council takes action on this item given the issues of vital interest to all Member States which are involved.

The Security Council has made considerable progress in recent years in making its proceedings more transparent and itself more accountable. For the Council to decide on this case, with its far-reaching implications for the international system, in a debate held only behind closed doors, would be quite inconsistent with the principles that underlay the Security Council's method of work in recent years.

What is at issue in the Council's deliberations of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) item is not just the extension of a United Nations mission that will end in six months time in any case. Rather, the issue is a potentially irreversible decision negatively affecting the integrity of the Rome Statute of the International Criminal Court, the integrity of treaty negotiations more generally, the credibility of the Security Council, the viability of international law with respect to the investigation and prosecution of grievous crimes, and the established responsibilities of States under international law to act on such crimes.

It is difficult to imagine an issue on which the appropriateness of the Council's hearing the views of the membership is more compelling.

If the Council were to address itself merely to a further technical rollover or simply terminating UNMIBH in an orderly way, there would be less need for an open debate. If, on the other hand, any attempt will be made to work with a proposal that has the far-reaching consequences referred to above, we view an open debate as crucial.

I therefore again respectfully request that an open debate be held today before any Council vote on anything more far-reaching than the termination of or a technical extension of UNMIBH is held.

I also request that the present letter be circulated immediately to the full United Nations membership as a document of the Security Council.

(*Signed*) Paul **Heinbecker**
Ambassador
Permanent Representative

02-45823 (E) 050702

United Nations S/2002/724

Security Council

Distr.: General
3 July 2002
English
Original: English and French

Draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular its resolutions 1357 (2001) of 21 June 2001, 1418 (2002) of 21 June 2002 and 1420 (2002) of 30 June 2002,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of its resolution 1357 (2001) shall continue in force until 15 July 2002;

2. *Decides* to remain seized of the matter.

02-45805 (E) 030702

United Nations S/2002/725

Security Council

Distr.: General
5 July 2002

Original: English

Letter dated 3 July 2002 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 31 May 2002.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-45922 (E) 080702

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. Over the reporting period (1-31 May 2002) there were just over 37,000 troops of the Kosovo Force (KFOR) in theatre.

2. The overall situation in Kosovo during the month of May remained generally stable, with only a few incidents reported. There was an increase in the number of attempts to cross the border illegally. The number of people taking part in demonstrations, as reported in April, has fallen substantially. The overall level of serious crime was low compared to the same periods in 2000 and 2001.

Security

3. Minor incidents involving inter-ethnic violence were reported across the province, mainly in the Gnjilane and Mitrovica areas.

4. On 7 May, KFOR detained Shefket Musliu, a former commander of the disbanded Liberation Army of Presevo, Medvedja and Bujanovac (UCPMB), on suspicion of involvement in violent incidents in the Presevo Valley.[1] He was eventually released on 8 June at the end of the 30-day detention period authorized by the Commander of KFOR.

5. KFOR soldiers in close cooperation with the police of the United Nations Interim Administration Mission in Kosovo (UNMIK) conducted a large-scale search operation of 270 buildings in northern Mitrovica on 14 May, resulting in the discovery of a small number of weapons. The new multi-ethnic market on the southern bank of the Ibar River in Mitrovica was opened without incident. A representative of KFOR, along with local politicians, community workers, and members of the international community, attended the opening ceremony. KFOR announced on 24 May that joint patrolling with UNMIK police in Mitrovica would be increased.

6. At the request of UNMIK, KFOR launched an operation on 5 May to open a walled concrete storage site at the Trepca Company compound in the Prvi Tunnel, north of Mitrovica. Seventy-five 200-litre barrels filled with sodium and potassium cyanide were removed from the premises and stored temporarily at the Mitrovica Industrial Park. UNMIK has accepted responsibility for the disposal of this toxic waste.

7. On 19 May, eight Kosovo Albanian prisoners escaped from the UNMIK prison in Dubrava, five of whom were later recaptured by UNMIK police. KFOR is assisting UNMIK in the effort to recapture the three remaining prisoners.

8. During the reporting period, KFOR continued to conduct search operations. In particular, on 24 May, a KFOR search operation in Grabovac led to the discovery of a substantial cache of weapons, ammunition, car licence plates and false identification cards. The total seized during May included 279 assorted weapons,

[1] On 17 April, there was an attack on the multi-ethnic police force in Lucane; and on 27 April a Serbian army water truck hit a mine in Dobrosin, destroying the truck and injuring two Serbian soldiers.

305 grenades and mines and 28,209 rounds of ammunition. Seventy-seven people were arrested for possession of illegal weapons and subsequently handed over to UNMIK police.

9. In the context of the weapons destruction programme, 1,831 weapons were destroyed in the month of May.

Border/boundary security

10. Border security continues to be an issue of concern, with a sustained rise in attempts to cross the border illegally. Seventy-seven incidents were recorded in May and 201 arrests were made.[2] More than two thirds of the arrests occurred on the border with Albania, while the rest occurred on the border with the former Yugoslav Republic of Macedonia.[3]

11. On 28 May, KFOR renewed the agreement (Temporary Operating Procedures) with the former Yugoslav Republic of Macedonia to ensure coordination and cooperation in border security and exchange of information to curb illegal border crossings. The agreement sets out procedures to cover the inadvertent crossing of the international border by the forces of KFOR and the forces of the former Yugoslav Republic of Macedonia.

Cooperation and compliance by the parties

12. Security forces of the Federal Republic of Yugoslavia remained in general compliance with the terms of the Military Technical Agreement during the month of May.

13. With regard to the Kosovo Protection Corps (KPC), UNMIK has approved the Peace Establishment list reviewed by KFOR in May which is being used as the basis for issuing identity cards. KFOR continued with the registration and issue of the new KPC identity cards on behalf of UNMIK. On 7 May, the Special Representative of the Secretary-General and the Commander of KFOR agreed to the new structure of the Corps, under which there will be a total strength of 5,052 members, with 3,052 on active duty and 2,000 in reserve. Within the new structure, the training organization will be expanded, and training will be controlled by a new Training and Doctrine Command. The first seven minority members joined the Corps in the Gnjilane region.

14. The number of cases of non-compliance decreased during the reporting period. Fourteen cases involving 26 KPC members were closed and 20 KPC members were dismissed. The Corps' stance on absenteeism and lack of discipline has hardened, as UNMIK and the Joint Implementation Commission are beginning the process of reviewing and improving the KPC disciplinary code.

15. KPC completed a number of field exercises with the Multinational Brigades in May, and conducted 46 other training activities including bridge building and foreign language training.

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[2] Over the past year under Operation Eagle, KFOR has seized 4,409 assorted weapons, 3,690 grenades and mines, and 389,750 rounds of ammunition. A total of 1,721 persons have been detained and turned over to UNMIK police.

[3] Turkey recognizes the Republic of Macedonia with its constitutional name.

Cooperation with international organizations

16. KFOR continues to offer security assistance on request from international organizations and non-governmental organizations and in support of UNMIK police operations, especially in Mitrovica.

Refugees and displaced persons

17. On 14 May, KFOR assisted the Office of the United Nations High Commissioner for Refugees in securing a Kosovo Albanian area in Vushtrri to allow the return of 50 refugees. KFOR also escorted over 200 Kosovo Serbs to the Gorazdlevac Serb enclave and to the Pec monastery for the Orthodox celebrations of St. Jeremy.

Outlook

18. The threat to security from both ethnic intolerance and local crime is decreasing. UNMIK police are preparing to take over tasks in northern Kosovo currently undertaken by KFOR.

United Nations S/2002/726

Security Council

Distr.: General
5 July 2002

Original: English

Letter dated 3 July 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 28 June 2002, which I received from the Secretary-General of the North Atlantic Treaty Organization.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. Annan

02-45916 (E) 080702

Annex

Letter dated 28 June 2002 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the monthly report on the operations of the Stabilization Force (see enclosure). I would appreciate your making this report available to the Security Council.

(*Signed*) George **Robertson**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. Over the reporting period (1-31 May 2002) there were just over 16,600 troops deployed in Bosnia and Herzegovina and Croatia, with contributions from all the NATO allies and from 15 non-NATO countries.

2. The Stabilization Force (SFOR) continues to contribute towards the maintenance of a safe and secure environment in Bosnia and Herzegovina, monitor compliance by the Entity Armed Forces, conduct inspections and consolidation of weapons storage sites, and provide support to the international organizations working in theatre.

3. The general security situation in Bosnia and Herzegovina remained stable during the reporting period.

4. As previously reported, SFOR decided to intensify its activities under Operation Harvest for the three-month period from April to June. SFOR has collected 806 assorted weapons; 4,739 grenades; 818 mines; and 272,770 rounds of ammunition so far this year.

5. On 10 May, SFOR discovered a significant ammunitions cache in the cellar of a tobacco factory, in the eastern part of Mostar. Ordnance found included 5,020 mortar shells and 1,500 kg of propellant charge.

6. From 13 to 19 May 2002, SFOR launched an operation to deter arms smuggling in the area of Trebinje, and focused on gathering information on routes from the border with Montenegro to the town of Trebinje and on specific individuals and vehicles of interest. As a result of the operation, local police seized some 200 kg of marijuana and one kg of heroin, and detained three individuals.

Cooperation and compliance by the parties

7. The armed forces of Bosnia and Herzegovina have been carrying out training activities generally in compliance with the Dayton Peace Agreement.

8. One case of non-compliance was reported on 20 May when inspections revealed that the Bosnian Serb (VRS) Lisina air force radar and radio relay site was monitoring NATO flights and aircraft communications in contravention of the General Framework Agreement for Peace. On 28 May, SFOR followed up the inspection in an operation carried out at the VRS headquarters at Zaluzani, near Banja Luka. Twelve computers were confiscated along with a number of maps and other documents.

9. Subsequently, the Commander of SFOR announced the suspension of the VRS Air Force Commander, Lieutenant Colonel General Milan Torbica, imposed a ban on training and movement of the VRS Air Force, and demanded immediate disclosure of all VRS electronic warfare and electronic intelligence monitoring operations directed against SFOR or NATO forces. The SFOR investigation is continuing.

10. The Federation has continued its efforts to secure funding to provide severance payments to the soldiers it has dismissed as a part of its most recent downsizing programme. Indications suggest that funds will be made available over the coming month.

11. During the period under review, SFOR troops conducted 109 weapons storage site inspections: 56 Bosnian Serb; 27 Bosniac; 17 Bosnian Croat; and 9 Federation.

12. SFOR troops monitored 251 training and movement activities during the reporting period: 137 Bosnian Serb; 68 Bosniac; 18 Bosnian Croat; 27 Federation; and one Federation Army Department.

13. A total of 520 mine-clearing activities were monitored over this period: 237 Bosnian Serb; 184 Bosniac; 74 Bosnian Croat; and 25 Federation.

Cooperation with international organizations

14. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations in theatre, including the United Nations Mission in Bosnia and Herzegovina, the International Police Task Force, the Office of the High Representative, the International Tribunal for the Former Yugoslavia, the Organization for Security and Cooperation in Europe and the Office of the United Nations High Commissioner for Refugees.

15. SFOR continued to support the Office of the High Representative in monitoring the situation in the Dobrinja area, near Sarajevo airport.

16. SFOR provided assistance to the International Police Task Force in monitoring events around Bocinja Donja during the Orthodox Easter ceremony on 5 May.

17. In the period from 22 to 25 May, SFOR provided transport and security for the initial tour of Bosnia and Herzegovina by the new High Representative, Lord Ashdown.

18. At the request of the Acting Head of the Office of the Prosecutor of the International Tribunal, SFOR provided security assistance during the arrest and extradition to The Hague of Dusko Knezevic.[1] SFOR also provided assistance to the Tribunal during the exhumation activities in the Kotor Varos area on 13 May.

Outlook

19. The security situation is expected to remain stable.

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[1] The Russian Federation reserves its special position on this matter.

United Nations S/2002/727

Security Council

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5 July 2002

Original: English

Letter dated 2 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/401).

The Counter-Terrorism Committee has received the attached supplementary report from Croatia, submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-46979 (E) 160702

Annex

Letter dated 21 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 19 April 2002 conveying the preliminary comments of the Counter-Terrorism Committee on the report of the Government of the Republic of Croatia, I have the honour to enclose herewith the response of the Government of the Republic of Croatia to those comments (see enclosure).

(*Signed*) Jasna **Ognjanovac**
Deputy Permanent Representative of the Republic of Croatia
Charge d'affaires a.i.

Enclosure

Response of the Government of the Republic of Croatia to the questions posed by the Chairman of the Counter-Terrorism Committee in his letter dated 1 March 2002

Sub-paragraph 1 (a):

Please explain the changes carried out in the current laws and in the bills under legislative process in Croatia with particular reference to the fulfilment of the requirements under this Sub-paragraph (i.e. the suppression of the financing of terrorism).

1. Since Croatia submitted its Report pursuant to Paragraph 6 of Security Council Resolution 1373 (2001) of 28 September 2001 to the Security Council Counter-Terrorism Committee, the following laws have entered into force: Criminal Procedure Act, Law on the Intelligence Services, Law on Defence and Law on Domestic Money Transactions. Other laws mentioned in Croatia's Initial Report to Counter-Terrorism Committee are still under legislative process.

2. The Croatia's national legislation enables Croatia to comply fully with the requirements of the Security Council Resolution 1373 (2001). The changes recently introduced do not directly relate to fight against terrorism, because it was determined during the preparatory work on these bills that requirements under resolution 1373 (2001) were already fulfilled in existing laws and bills.

3. With regard to the amendments related to the suppression of the financing of terrorism, Article 10, Paragraph 2 of the Law on the Prevention of Money Laundering is altered in a way that the Office for the Prevention of Money Laundering is now authorised to extend the deadline for implementing a transaction according to the provisions of the Article 2 of the Law on the Prevention of Money Laundering (financial and non-financial sector) from 2 to 72 hours. This provision applies to all the transactions where there is an indication of a possible money laundering or a criminal act connected to money laundering, including terrorist activities. In the mentioned cases, the Office simultaneously reports to the relevant governing bodies, i.e. to the Ministry of the Interior and the State Attorney. Also, a new Law on the Prevention of Money Laundering is under preparation. The basic intention of this Law is to enhance the tracking of suspicious transactions and identification of the final user. This Law is expected to enter into force by the end of this year.

4. In addition to the above-mentioned, the Ministry of Justice is undergoing tasks to establish a Working Group mandated to prepare the amendments to the Criminal Code. One of the articles under consideration is Article 169, which relates to international terrorism. The issue at hand with regard to this Article is to outlaw the preparatory actions for the execution of the criminal offence of the international terrorism.

Please indicate how Croatia would deal with a case where a person/entity suspected of supporting terrorism outside Croatia is holding funds in Croatian financial institutions.

5. In a case where a person/entity suspected of supporting terrorism outside Croatia is holding funds in Croatian financial institutions, there are two possibilities. If a request to freeze the funds from the other state exists, the Croatian authorities should act in compliance with the request, on the basis of determined procedure. Simplified procedure prescribed by the Convention 141 of the Council of Europe is applied with the parties to this Convention. Otherwise, the procedure is the same as applied in the case of the support of the international terrorism inside the Republic of Croatia.

6. The request by foreign courts considering the provision of information on the seizure of the means, proceeds or assets resulting from criminal offence shall be decided on by the competent Croatian court, while the requests by other government agencies shall be decided on by the Head of the Office for Prevention of Corruption and Organised Crime.

7. The procedure of seizure of the assets is regulated by various articles of the Law on the Office for Prevention of Corruption and Organised Crime (Articles 44, 48, 50, 56), which was appended as Annex VI to Croatia's Report submitted in accordance with the Security Council Resolution 1373 (2001). The Office for Prevention of Corruption and Organised Crime and the courts shall act pursuant to the provisions of the Seizure Act (Official Gazette of the Republic of Croatia No. 57/96 and No. 29/99) and the Criminal Procedure Act (Article 44) in order to secure the means, proceeds or assets resulting from the criminal offences mentioned in Article 21 hereof.

8. Action of the Anti-Money Laundering Office requires a letter on suspicious transactions of the relevant state authorities or the request of the related services abroad (FIU). The Office would report on its results to both the Ministry of the Interior and the State Attorney, following the provisions of the Criminal Procedure Act on temporary ban on the use of the mentioned financial means. The Office for the Prevention of the Money Laundering has also to inform the Office for Prevention of Corruption and Organised Crime, if it is reasonable to assume that any means, proceeds or assets result from the criminal offences (Article 48, Section 1). The banks and other legal entities and natural persons referred to in Article 2 of the Law on the Prevention of the Money Laundering have to, at the request of the Head of the Office for Prevention of Corruption and Organised Crime, promptly forward the information of the balance of the accounts of the person suspicious of hiding the source of such money, or of gaining such money for the criminal proceedings. If the period for forwarding such information set by the Office in its request has been exceeded without a justified reason, the responsible person shall be liable for the criminal offence of obstructing the evidence pursuant to Article 304, Paragraph 2 of the Criminal Code.

Sub-paragraph 1 (b):

In view of Croatia signing the International Convention for the Suppression of the Financing of Terrorism, is there a proposal to amend the Criminal Code to incorporate the requirements of the Convention?

9. The Ministry of Justice is undergoing tasks to establish a Working Group mandated to prepare the amendments to the Criminal Code. The Working Group should take into consideration the International Convention for the Suppression of the Financing of Terrorism during its deliberation.

Sub-paragraph 1 c:

This Sub-paragraph requires freezing without delay of funds, financial assets or economic resources of persons who commit or facilitate acts of terrorism. The current law of Croatia allows "seizure of assets if an act of international terrorism was committed". Please clarify whether there has to be an associated criminal act before the funds, financial assets and economic resources of persons and entities supporting terrorism could be frozen.

10. In accordance with relevant laws of the Republic of Croatia, the criminal offence needs to be attempted or executed in order to freeze the financial means. Nevertheless, it is also possible to sequester or prior freeze the means, if a solicitor or an assistant for the execution of such criminal offences is involved. Therefore, should there be a question of soliciting the international terrorism and proving the offence of soliciting the

international terrorism, the sole criminal offence of the international terrorism need not be attempted in order to sequester or freeze the offender's means.

11. Article 219 of the Criminal Procedure Act regulates the possibility of seizure of financial means assigned for the transaction until the termination of court procedure or until conditions are met for their recovery, if the suspicion exists that it represents an offence or that it serves to conceal an offence or to conceal the benefit obtained in consequence of the commission of an offence.

Please clarify whether Croatia can freeze funds, financial assets and economic resources in Croatia, on the request of a country, of persons and entities suspected of supporting terrorism.

12. The freezing is possible upon the request as explained under Sub-paragraph 1(a), Paragraphs 5 to 8.

Sub-paragraph 1 (d):

Please explain the current legal provisions prohibiting the making available of funds, financial assets, economic resources or other related services in support of terrorism.

13. The answer to this question has already been provided under Sub-paragraphs 1 (b), (c) and (d) of the Croatia's Initial Report submitted pursuant to Paragraph 6 of Security Council Resolution 1373 (2001).

Please explain whether the proposed adjustments to the existing laws would enable Croatia to comply fully with the requirements of Paragraph 1 of the Resolution.

14. Croatia's existing laws enable Croatia to comply fully with the requirements of Paragraph 1 of the Resolution.

Please provide copies of the proposed amendments to the Law on Foreign Currency Transactions.

15. The copy of the proposed amendments to the Law on Foreign Currency Transactions is attached (Annex I).

Sub-paragraph 2 (a):

Please explain how Croatia regulates the sale, possession and disposition of weapons domestically.

16. Article 334 and 335 of the Criminal Code prohibit the sale, possession and disposition of weapons domestically. The perpetration of the above-mentioned criminal offence shall be punished by imprisonment from three months to three years. In addition, whoever, without authorisation makes, supplies, possesses or otherwise acquires for himself/herself or a third person firearms, ammunition or explosive substances, whose supply, sale or possession is not permitted to citizens, shall be punished by a fine or imprisonment not exceeding three years. Finally, whoever, without authorisation, supplies, possesses, sells, makes or exchanges large quantities of firearms, ammunition or explosive substances shall be punished by imprisonment from one to five years.

Sub-paragraph 2 (b):

Please provide a list of countries with which Croatia has bilateral co-operation on the exchange of information on terrorism-related matters.

17. The Republic of Croatia has signed agreements on bilateral co-operation, including the exchange of information on terrorism related matters with the following countries: the Czech Republic, India, Sri Lanka, Italy, Hungary, Bosnia and Herzegovina, Bulgaria, Macedonia, Albania, Slovenia, Poland, Austria, Ukraine, Turkey, Germany (Bavaria, Baden-Wurtemberg), Greece, China, Slovakia, Romania, Chile, Latvia, United Kingdom and United States of America.

Please provide further explanation on the proposal of the Inter-agency Working Group for Monitoring the National Implementation of the Resolution to the Government of Croatia about the strengthening of the early warning mechanism to ensure better prevention of and response to terrorist acts in a timely manner. Was this proposal approved? If yes, is this proposal incorporated in a degree or a law to Croatian legal framework?

18. The proposal is still under preparation with relevant state bodies.

Sub-paragraph 2 c:

Please provide a copy of the Act on Asylum as soon as it is brought into force.

19. The Republic of Croatia shall submit the Act on Asylum as soon as it is brought into force.

Please provide a progress report on the enactment of the Law on Extradition.

20. Croatia does not intend to enact a separate Law on Extradition. There is a Law on International Legal Assistance in Criminal Proceedings under preparation that would also include the issue of extradition. Chapters XXX and XXXI of the Criminal Procedure Code are applied until such Law enters into force.

Sub-paragraph 2 (e):

Please inform the Counter-Terrorism Committee (CTC) of the progress of the amendments to Croatia's Criminal Code.

21 See Paragraph 4.

Please provide a list of names of countries with which Croatia has bilateral co-operation for mutual assistance in legal proceedings and criminal investigation.

22. The Republic of Croatia has singed agreements on bilateral co-operation for mutual assistance in legal proceedings and criminal investigation with the following countries: Albania, Algeria, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, the Czech Republic, France, Greece, Netherlands, Italy, Hungary, Macedonia, Mongolia, Germany, Poland, Slovenia, USA, Spain, Switzerland, Turkey, Great Britain, the Federal Republic of Yugoslavia and Slovakia.

Sub-paragraph 2 (f):

Croatia is requested to inform the CTC as soon as the Law on International Legal Assistance is brought into force.

23. The Republic of Croatia shall inform the CTC as soon as the Law on International Legal Assistance in Criminal Proceedings is brought into force.

Sub-paragraph 2 (g):

Please explain whether there is a mechanism for inter-agency co-ordination between narcotic control, financial tracking and border control.

24. The Office for Combating Money Laundering has a developed network of "liaison officers" for prompt response to dubious transactions and for co-ordination of various activities related to money laundering. Such liaisons are deployed at the Ministry of the Interior, Croatian National Bank, Customs Administration and Tax Authority. Two years ago an inter-departmental agency was set up, headed by the Minister of Finance, to define strategies and measures for combating money laundering and related offences, meeting in quarterly intervals.

25. The General Police Directorate co-ordinates the work of the Border Directorate and the Criminal Police. The Criminal Police Directorate incorporates the specialised Department for Drugs-related Crime, which is responsible for combating the manufacture and illicit trafficking of narcotics, while the Department for Economic Crime and Corruption, in co-operation with the Office for Combating Money-Laundering, criminally investigates suspicious financial transactions.

26. In addition to the above-mentioned, regular inter-agency co-ordination meetings are held among the Ministry of Finance (Customs Administration, Tax Authority, Office for the Prevention of Money Laundering), Ministry of Interior and Office for the Prevention of Corruption and Organised Crime.

Sub-paragraph 3 (d):

Please indicate the intentions of Croatia and the timeframe within which it proposes to ratify the UN conventions it has not yet ratified.

27. The relevant Croatian state bodies consider a number of UN conventions related to terrorism, which Croatia has not yet ratified. The two UN conventions, which have been identified as priorities and their ratification is expected within a period of one year, are International Convention for the Suppression of the Financing of Terrorism, which Croatia signed on 11 November 2001, and the Convention Against Transitional Organised Crime, which Croatia signed on 12 December 2000.

Could Croatia also please indicate whether the offences under the relevant conventions are included as extraditable offences under the proposed Law on Extradition?

28. The Law on International Legal Assistance in Criminal Proceedings, which would also include the issue of extradition, is in an early stage of preparation. The relevant state bodies will be informed of the need to consider inclusion of the offences under the relevant convention as extraditable offences.

Paragraph 4

The CTC would be grateful to know whether your Government has addressed any of the concerns expressed in Paragraph 4 of the Resolution.

29. See the answer provided in Sub-paragraph 2 (g) and Paragraphs 6. 14. of Croatia's Report of 24 December 2001 submitted pursuant to Paragraph 6 of Security Council Resolution 1373 (2001).

Other matters:

Please provide an organisational chart of your Government's administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen by your Government as contributing to compliance with the Resolution.

30. For your information, please refer to the internet page of the Government of the Republic of Croatia (*http://www.vlada.hr/english/contents.html*).

United Nations S/2002/728

Security Council

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Letter dated 2 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/406).

The Counter-Terrorism Committee has received the attached supplementary report from Lebanon (see annex) submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for this letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2002)
concerning counter-terrorism

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Annex

[Original: Arabic]

Note verbale dated 21 June 2002 from the Permanent Mission of Lebanon to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Lebanon to the United Nations in New York presents its compliments to the Counter-Terrorism Committee and, in reference to letter No. S/AC.40/2002/MS/OC.39 of the Chairman of the Committee, dated 1 April 2002, requesting clarification by the Government of Lebanon of certain points contained in Lebanon's report of 13 December 2002, submitted to the Committee pursuant to operative paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001, has the honour to submit a new report providing the requested clarifications and responses to the questions posed.

The Permanent Mission of Lebanon takes this opportunity to convey to the Counter-Terrorism Committee the assurances of its highest consideration.

Enclosure

The Lebanese Republic
Ministry of Foreign affairs and Emigrants

Subparagraph 1 (a) of Security Council resolution 1373 (2001)

Question or request for clarification

Could Lebanon please describe in more detail how Lebanese laws and regulations prevent the financing of terrorist activities?

Response

The measures conducive to the prevention of the financing of terrorist activities adopted by the competent authorities under the Lebanese laws and regulations in force and the international conventions to which Lebanon is a party are as follows:

1. Cooperation and coordination with other States to detect operations for the financing of terrorist activities conducted through banks or financial institutions, through customs or across borders;

2. Development and strengthening of systems related to bank monitoring operations and security information activities with a view to discovering the objectives of terrorist groups and organizations and thwarting plans to finance them;

3. Creation of a database in the office of the International Criminal Police Organization (Interpol) and the Office to Combat Terrorism to collect information on terrorist elements, groups, movements and organizations; to exchange information with Interpol offices in other member States so as to prevent those elements, groups, movements and organizations from being financed or offered any facilities; and to provide the competent authorities in other States with such information upon request;

4. The arrest of persons committing crimes of complicity in the crime of terrorism through financing in accordance with the Lebanese Penal Code, which provides for the punishment of the crime of financing terrorism as constituting complicity in the crime of terrorism. Complicity in the perpetration of crimes, generally speaking, is governed by articles 219 to 221 of the said Code.

   Pursuant to article 219, the following are considered accessories to a felony or misdemeanour:

   - Anyone who, by any means, strengthens the intention of the perpetrator;
   - Anyone who, for material or immaterial advantage, accepts an offer by the perpetrator to commit a crime;
   - Anyone who assists or supports the perpetrator in acts that prepare or facilitate the crime;
   - Anyone who agrees with the perpetrator of or any accessory to the crime prior to its commission or helps to conceal its character or to conceal or dispose of things derived from it;

– Anyone who is aware of the criminal conduct of wrongdoers who engage in brigandage or the perpetration of acts of violence against the State or public safety or against individuals or property and offers them food, shelter, a hiding place or a meeting place.

Under article 220, an accomplice without whose assistance the crime would not have been committed is subject to punishment as though he himself were the principal; all accomplices are sentenced to hard labour either for life or for a period ranging from 10 to 20 years if the principal receives the death sentence;

5. Cooperation at the international and regional levels in the fight against terrorism, including the adoption of all measures for the prevention and suppression of terrorist crimes and the prevention of the financing of terrorist elements and the offering of any facilities to them.

In addition, ways of preventing the financing of terrorist acts are included among the measures provided for in Law No. 318 of 20 April 2001 and decision No. 7818 of the Governor of the Bank of Lebanon of 18 May 2001, both of which relate to the suppression of money-laundering, including operations for the financing of terrorism.

Law No. 318 defines illicit funds as including, within the meaning of that Law, those connected with terrorist offences as provided in articles 314 to 316 of the Lebanese Penal Code, which also, in its articles 217 to 222, inclusive, provides penalties for the abetting of or participation or complicity in the commission of such offences. According to Lebanese precedent, whosoever finances a crime is considered an accessory thereto. We have dealt with this point in paragraph 4 above.

Law No. 318 makes it incumbent both on institutions not subject to the Banking Secrecy Law (article 4) and on banking institutions subject to that Law (article 5) to monitor the transactions carried out by them with their clients, with a view to the elimination of any involvement thereof in suspicious transactions, and to report immediately (article 7) to the special board of inquiry [officially: Special Investigation Commission ("the Commission")] created under the said Law (article 6), in detail, any transactions they suspect of concealing money-laundering operations, including operations for the financing of terrorism.

The Commission meets immediately upon receiving such information from the bodies mentioned above or from the official Lebanese or foreign authorities (article 8) and takes a temporary decision to freeze the suspicious account or accounts for a period of five days, renewable once. During that period the Commission carries out its inquiries through the persons designated by law, who conduct an investigation into the specified accounts and obtain all the necessary information concerning them or concerning their holders either from the reporting institutions or through the Financial Investigation Administrative Unit (article 10). Moreover, the Chairman of the Commission (article 9) or any Commission member delegated by him may contact any and all Lebanese or foreign judicial, administrative, financial or security authorities in order to request information or examine the details of any investigations already conducted by them on matters connected with or related to the investigations carried out by the Commission.

Upon the completion of the necessary inquiries and within the period of the temporary freeze on the suspected account, the Commission issues a final decision

either to release the account, if the source of the funds has not been found illegal and, in the case in hand, if it has not been used for financing terrorist operations, or to remove the banking secrecy from the account and freeze it definitively, in the event that the Commission finds that the funds are being used to finance such operations.

The Commission transmits a copy of its final report to the reporting institution, the persons concerned and the Public Prosecutor at the Court of Cassation, who takes the requisite legal steps with respect to the operations and persons concerned.

Question or request for clarification

Does Lebanon have any provisions for regulating alternative remittance arrangements? Please outline any such regulations.

Response

The laws and regulations in force in Lebanon regulate money transfer operations, which may be effected only through banks and institutions having obtained prior authorization from the Bank of Lebanon, which has the discretionary power to grant or deny such authorization depending on whether it deems it in the public interest.

The statutory and regulatory provisions requiring institutions carrying out money transfer operations to obtain authorization from the Bank of Lebanon are as follows:

- Articles 128, 131, 179 and 181 of the Code of Money and Credit;
- Article 4 of Law No. 234 of 10 June 2000 (regulating the financial intermediary profession);
- Article 1 of Law No. 347 of 6 August 2001 (regulating the money-changing profession in Lebanon);
- Article 1 of Law No. 520 of 6 June 1996 (development of the financial market and fiduciary contracts);
- Article 3 of the Bank of Lebanon decision No. 7548 of 30 March 2000 (electronic banking and financial operations).

Question or request for clarification

What acts constitute reasonable grounds for suspicion in Lebanese legislation and practice and how are they dealt with?

Response

In accordance with Law No. 318 (articles 4 and 5) and decision No. 7818 of the Governor of the Bank of Lebanon, all the institutions concerned have been requested to apply a "know your client" policy and to make sure that the transactions effected by clients do not bear any signs of suspicious operations. Conditions constituting reasonable grounds for suspicion in the banking and finance sector include the following:

– The size and movements of the account are not commensurate with the client's financial position and business;

– Operations on the account are effected by third parties having no relationship to the account holder, or such relationship is not justified;

– The account is used basically to effect or receive transfers of large amounts, when the client's business does not warrant such transactions.

The manner of dealing with suspicious transactions that may be effected through the banking and finance sector has been touched upon in the response to the question of how Lebanese laws and regulations prevent the financing of terrorist activities.

Operations constituting reasonable grounds for suspicion in other sectors are governed by the general laws in force (the Penal Code, the Code of Criminal Procedure, the Judicial Police, etc.).

Subparagraph 1 (c)

Question or request for clarification

Please provide a detailed outline of the Lebanese legal provisions which permit the freezing of funds as required by subparagraph 1 (c) (of Security Council resolution 1373 (2001)).

Response

The Special Investigation Commission, which is an autonomous special body having a judicial character, created pursuant to article 6 of Law No. 318 of 20 April 2001, can take a temporary decision to freeze suspicious accounts for a period of five days, renewable once (article 8). Upon the completion of the investigation and within the period of the temporary freeze, the Commission issues a final decision either to release the account or to freeze it definitively, removing banking secrecy in respect of it. In addition, any movable or immovable property established pursuant to a final judgement as being related to any of the offences provided for in the said Law shall be forfeited to the State (article 14), unless its owners judicially prove their lawful entitlement thereto.

The Commission requests the office of the Public Prosecutor at the Court of Cassation to prosecute those responsible for the perpetration of such acts before the criminal courts in order that they may be tried and the penalties provided by law imposed.

In addition to Law No. 318, application may be made of the general Lebanese Penal Code, article 69 of which provides that, without prejudice to the rights of innocent third parties, all things derived from or used or prepared for the perpetration of an intentional misdemeanour or felony may be confiscated.

On the basis of that text, the judge may decide to confiscate assets prepared for the financing and perpetration of terrorist offences or crimes of complicity in the perpetration of such offences, as stipulated in articles 219 and 220 of the Penal Code, as well as all assets derived from or used for the perpetration thereof.

Moreover, article 98 of the Penal Code deals with the confiscation of things manufactured, acquired, sold or used illegally, even if not owned by the defendant or

the person sentenced or if the prosecution does not result in a judgement, provided, however, that these provisions are applicable to illegal assets and weapons.

Given below are the texts of articles 8 and 14 of Law No. 318 and articles 69 and 98 of the Penal Code:

Article 8 of Law No. 318

"1. Upon receiving information from the concerned parties mentioned in Article 7, or from official Lebanese or foreign authorities, the Commission shall convene immediately to consider the case.

"2. After perusing the received information, the Commission shall, within a period of three working days, take a temporary decision to freeze the suspected account(s) for a one-time renewable period of five working days, when the source of funds remains unknown or suspected to proceed from a money-laundering offence. During the said period, the Commission shall continue the investigation of the suspected account(s) either directly or through a delegated member of the Commission or a designated concerned responsible, or through its Secretary or an appointed bank auditor. All designated persons shall discharge their duties under the obligation of confidentiality, but without being bound by the provisions of the Banking Secrecy Law of 3 September, 1956.

"3. After completing its investigations, the Commission shall take, during the temporary freezing period of the suspected account(s), a final decision on whether to free the said account(s) if the source of funds is not found to be illicit, or to lift banking secrecy regarding the account(s) and maintain the freezing. If, at the end of the period stipulated in Paragraph 2 above, the Commission does not render any decision, the said account(s) shall be automatically deemed free. The final decision of the Commission is not subject to any ordinary or extraordinary form of administrative or judicial recourse, including recourse against abuse of authority.

"4. In case of a decision on lifting banking secrecy, the Commission shall send a certified copy of its justified, final decision to the State Prosecutor of the Supreme Court, the Higher Banking Commission through its Chairman, the concerned party, the concerned bank, and the concerned foreign authority. This shall be effected either directly or through the official party through which the information has been received."

Article 14 of Law No. 318

"The State shall confiscate any movable or immovable assets that are proved, by a final court ruling, to be related to, or proceeding from, offences listed in Article 1 of this Law, unless the owners of the said assets prove in court their legal rights therein."

Article 69 of the Penal Code

"Without prejudice to the rights of innocent third parties, all things derived from or used or prepared for the perpetration of an intentional misdemeanour or felony may be confiscated.

"Such things may be confiscated in the case of an unintentional misdemeanour or a contravention if the law contains a clear provision in that regard.

"If what is to be confiscated has not already been seized, the person adjudged guilty shall be granted a respite for surrendering it, under penalty of payment of its value as assessed by the judge.

"The court may, if need be, have recourse to an expert to assess the amount payable and shall collect the assessed amount in the same manner in which it collects fines."

Article 98 of the Penal Code

"Things manufactured, acquired, sold or used illegally shall be confiscated, even if not owned by the defendant or the person sentenced or if the prosecution does not result in a judgement.

"If what is to be confiscated has not already been seized, the person adjudged guilty or the defendant shall be granted a respite for surrendering it, under penalty of payment of twice its value as determined by the judge.

"The court may, if need be, have recourse to an expert to assess the amount payable and shall collect the assessed amount in the same manner in which it collects fines."

Subparagraph 1 (d)

Question or request for clarification

According to the report (submitted by Lebanon), "*a staff of auditors and investigators has been provided to the special board of inquiry [Special Investigation Commission] as well as a special administrative unit*". Please elaborate on the work of the board and unit. In particular, it would be useful to know how these entities ensure that funds received by associations are not diverted from their stated purposes to terrorist activities.

Response

The Special Investigation Commission carries out its investigations on the basis of information received from institutions required to report suspicious transactions, Lebanese or foreign authorities or the administrative unit for the collection of financial information.

The Commission charges its staff of auditors and investigators with investigating the operations concerned. They examine and analyse the suspicious accounts in order to ascertain the amounts paid into them and their sources and the amounts withdrawn from them and their destinations. Whenever necessary, they also request the administrative unit to gather financial information [and] furnish to them all information concerning the matter that can be obtained from the various local and international judicial, security or other sources. They submit to the Commission a report on the findings of the investigations conducted.

If the Commission feels that the sums paid into such accounts are transferred to persons or entities unrelated to the original stated activities of the account holders, and in particular to individuals or entities connected with terrorist activities

and acts, it takes a decision to freeze the accounts definitively and deprive them of banking secrecy and informs the Public Prosecutor at the Court of Cassation of its decision. It should be borne in mind, however, that the field investigation to ascertain that associations have not transformed their activities or diverted them from their stated purposes to terrorist activities belongs to the competent judicial and security authorities.

At the field level, the competent security organs charged by the office of the Public Prosecutor at the Court of Cassation, on the basis of a request by national authorities, foreign judicial authorities or foreign judicial police, with carrying out investigations in a matter relating to funds received by associations suspected of covering the financing of terrorist acts and activities, proceed to comply with the request or letters rogatory under the supervision of the judges at the office of the Public Prosecutor. That office guides them in the detection of covert acts, thus enabling them to ascertain to what extent the suspicions in question are correct and whether or not such associations have deviated from their original stated purposes to terrorist acts and activities and to report the results of their investigations to the requesting authorities. In addition, local organs collect, through the Office to Combat Terrorism, information on religious, social and political associations that might be used as a cover for illegal acts, whereupon they place them under close scrutiny, instituting criminal prosecution in the event that they find them to have committed unlawful acts, including the financing of terrorism.

Question or request for clarification

Please provide a copy of decision No. 7818 of the Governor of the Bank of Lebanon, referred to in the report.

Response

The requested copy is annexed to the present report.*

Question or request for clarification

Please outline how Lebanese legislation deals with the prohibition of financing of terrorism as distinct from money-laundering.

Response

Lebanese legislation deals with the prohibition of financing of terrorism as distinct from money-laundering through the Penal Code, articles 217 to 222 of which provide penalties for anyone who abets, participates in or is an accessory to the commission of crimes, including terrorist offences. The latter offences are defined by articles 314 to 316 of the Code, which sets the penalties to be imposed on their perpetrators. According to Lebanese precedent, anyone who participates in the financing of such offences is considered an accessory thereto and is given a penalty equal to that of the principal, provided that such financing proves to have been of assistance in the commission of the offence.

* The annex is on file with the Secretariat and is available for consultation.

The investigations, inquiries and constant monitoring carried out by the competent security organs in coordination with the Interpol offices of other States in respect of elements and associations suspected of financing terrorism and terrorist activities are of help in ascertaining the nature of the case under consideration.

Subparagraph 2 (a)

Question or request for clarification

Do those who buy or sell weapons require a licence to do so legally?

Response

Pursuant to legislative decree No. 137 of 12 June 1959 (Arms and Ammunition Law), the purchase and sale of weapons in Lebanon requires a licence issued in advance by the competent authorities. In particular, article 3 of the decree provides as follows: "No person or entity shall have the right to perform, within Lebanese territory, commercial or manufacturing acts of any nature whatsoever related to materiel, arms or ammunition of any type without having first obtained a legal licence granted by decree on the basis of a proposal of the Ministers of the Interior and National Defence."

Question or request for clarification

Are there legal provisions prohibiting the transport and procurement of weapons for terrorists and their organizations?

Response

Some components of the response are provided by article 3 of the Arms and Ammunition Law referred to in the previous response. Other articles of the same Law also apply to the eventuality referred to in the question.

Article 24 of this Law prohibits any individual from transporting or possessing weapons and ammunition unless he has obtained a permit from the army command in accordance with specific conditions.

The penalties applicable to violators, provided for in articles 72 to 77 of the Law, are imprisonment for a term ranging from six months to three years, a pecuniary fine and the seizure of the weapons, ammunition and materiel.

In accordance with the principle of comprehensive, automatic, personal and regional jurisdiction provided for in articles 15, 19, 20 and 23 of the Lebanese Penal Code, the provisions of the aforementioned Law apply to all persons in Lebanese territory and to Lebanese nationals wherever they have committed the offence.

Article 17 of legislative decree No. 137 of 12 June 1959, mentioned above, makes the import, export and re-export of war materiel, weapons, ammunition and the related spare parts contingent on the prior obtainment of permission from the Ministry of National Economy upon the approval of the Ministry of National Defence (the army command) and of the Council of Ministers.

In addition, article 6 of the Law of 11 January 1958 on crimes against the internal security of the State or terrorism provides that anyone who proceeds, with the intention to commit or facilitate any felony mentioned in the Law or any other

felony against the State, to manufacture, acquire or gain possession of explosive or inflammable materials, poisonous or incendiary products or the components used in their composition or manufacture shall be punished by hard labour for life.

Lastly, it should be mentioned that paragraph I.3 of article 3 of the Arab Convention for the Suppression of Terrorism, signed at Cairo on 22 April 1998, which the Government of Lebanon was authorized to enter into pursuant to Law No. 57 of 31 March 1999, provides as follows:

> "To develop and strengthen systems for the detection of the transport, importation, exportation, stockpiling and use of weapons, munitions and explosives and of other means of aggression, killing and destruction as well as procedures for monitoring their passage through customs and across borders in order to prevent their transfer from one Contracting State to another or to third-party States other than for confirmed lawful purposes".

Question or request for clarification

Please specify whether there is any law that prohibits the recruitment of members of terrorist groups in Lebanon. Please outline the law.

Response

There is no law specifically for that purpose. However, on the basis of the general Lebanese Penal Code, the fact that recruitment of members of terrorist groups is an act of incitement to the commission of a crime entails the application of the provisions of articles 335 to 339, which establish the act of forming an unlawful association as a crime, and article 316, which relates to crimes against the internal security of the State and terrorism, coupled with articles 217 and 218 of the Penal Code, which criminalize incitement to the commission of a crime and make the inciter subject to a penalty identical to the punishment for the crime which he induces or attempts to induce another person to commit.

Consequently, anyone who recruits members of terrorist groups in Lebanon for the purpose of committing the crimes enumerated above is subject to the same punishment as for the crime of terrorism.

Presented below, in succession, are the texts of article 316 of the Penal Code and article 314 referred to in the text of that article:

Article 316

> "Any association established with intent to change the economic and social nature of the State or the fundamental conditions of society by any of the means referred to in article 314 shall be dissolved and its members condemned to a term of hard labour. The penalty for the founders and directors shall be not less than seven years."

Article 314

> "'Terrorist acts' means all acts aimed at creating a state of terror which are committed by means such as explosive devices, inflammable materials, poisonous or incendiary products or infectious or microbial agents likely to create a public hazard."

Question or request for clarification

Please outline the measures, both legislative and practical, preventing groups from recruiting, collecting funds or soliciting other forms of support for terrorist acts or terrorist activities to be carried out inside or outside Lebanon, in particular:

- The carrying out, within or from Lebanon, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and
- Deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g., teaching) different from the true purpose and collection of funds through front organizations.

Response

Part of the response has been provided in the response to the previous question of whether there is any law that prohibits the recruitment of members of terrorist groups in Lebanon.

Inasmuch as the formation of unlawful or secret associations constitutes an offence punishable under the Lebanese Penal Code, recruiting, collecting funds or soliciting other forms of support for terrorist acts or terrorist activities inside or outside Lebanon constitutes an offence, since such acts consist either in incitement to or complicity in the crime of forming an unlawful or secret association.

Let us refer to a number of relevant legal provisions contained in the Lebanese Penal Code or in the Arab Convention for the Suppression of Terrorism, signed at Cairo on 22 April 1998, to which Lebanon is a party:

- Article 335 of the Penal Code provides penalties for anyone who forms an association or makes a written or verbal agreement with the intent to commit felonies against persons or property or to detract from the authority or dignity of the State. Article 373 provides that an association shall be considered secret if its purpose is incompatible with the law and it carries out all or some of its acts in secret. Article 338 of the Code provides for the dissolution and the confiscation of the property of any and all secret associations. Article 3 of the Arab Convention for the Suppression of Terrorism provides that the "Contracting States ... shall endeavour ... to prevent the use of their territories as a base for planning, organizing, executing, attempting or taking part in terrorist crime in any manner whatsoever. This includes efforts to prevent terrorist elements from infiltrating into or taking up residence in their territories, either as individuals or in groups, and to prevent their being received, given refuge, trained, armed, financed or provided any facilitation";
- Regarding the collection of funds for use in terrorist activities, we have mentioned that the Special Investigation Commission conducts its investigations in the light of information obtained from certain bodies and takes the appropriate decisions based on the results of those investigations. The operating procedure of the Commission and the bodies subordinate to it is set forth in articles 8 to 10 of Law No. 318, referred to above.

As for practical measures, the various types of Lebanese security bodies, under the supervision of the competent judicial authority, and specifically the Office of the Public Prosecutor at the Court of Cassation, make all their capabilities available, in coordination with Interpol, for the exchange of information. These bodies, including

the army and the internal security, public security and State security forces, each within its sphere of competence, monitor entities and individuals under suspicion, observe their movements and prevent them from carrying out any acts contrary to security or to the laws in force, establishing groups, recruiting members for secret associations, collecting funds or providing any support for terrorist activities to be carried out inside or outside Lebanon. The investigations and other procedures carried out by the security bodies on instructions from and under the supervision of the judicial authority comprise fact-finding and inquiries concerning individuals suspected of engaging in disguised or misleading activities such as recruiting under the guise of teaching or collecting funds by means of organizations that may be a front for terrorist acts. The competent authorities in the requesting States are informed of the results of such inquiries and the necessary steps are taken with regard to the suspects in the event that sufficient evidence is found to exist.

Any and all establishments subordinate to any group found to be involved in terrorist acts or activities are closed, even if civil or secular and irrespective of the name (such as "school") they may have adopted for the recruitment of members or the collection of funds through organizations serving as a front for terrorist activities.

Subparagraph 2 (c)

Question or request for clarification

According to the report, "*In general, Lebanon does not provide a safe haven for those who finance, direct, support or commit acts of terrorism, especially those stipulated in Security Council resolution 1333 (2000), and it does not permit them to enter its territory*". Please elaborate on what is meant by the term "in general" in this context.

Response

What is intended by the use of the term "in general" [in Arabic (and in the original French) literally: "in a general manner"] is "in a comprehensive manner".

Subparagraph 2 (d)

Question or request for clarification

Please outline the relevant legal provisions which ensure the implementation of subparagraph 2 (d).

Response

Part of the answer has been provided in the preceding response concerning the practical measures taken by the competent security bodies.

Provisions of Lebanese laws require investigation and the arrest of all suspects, fugitives and persons accused or convicted of an offence punishable under Lebanese law or the provisions of international conventions to which the Lebanese State is a party and which have acquired the force of law.

Those provisions are contained in the Code of Criminal Procedure, and specifically article 24 thereof, which charges the competent Office of the Public Prosecutor with the task of investigating offences classified as misdemeanours or

felonies and prosecuting those indicted for committing them, having recourse to the security forces in the performance of its duties.

The fact-finding done by the judicial police upon being charged with the investigation of crimes provides it with an opportunity to learn if individuals are financing, plotting or facilitating terrorist acts, whereupon it becomes easy for it to prevent them from using Lebanese territory to realize those objectives.

If local measures based on the aforementioned legislation are coupled with the international bulletins and studies received via the Interpol offices, the judicial police in Lebanon has at its disposal the wherewithal to set up a defensive system to prevent terrorist groups from realizing their objectives and making Lebanon a springboard for terrorist acts. It is easy to keep suspect groups located in specific places under surveillance by means of the competent security organs and to learn about their movements if police informers are slipped in among them to discover criminal designs and report them to the police, which can in turn inform other States through the competent authorities so that precautions may be taken. Moreover, nipping such acts in the bud forestalls all anticipated or planned acts.

The feeling in Lebanese citizens of the importance of the idea of combating terrorism is an essential factor in preventing and controlling it. This requires the creation of greater awareness of the illegality of such acts and of how far removed they are from political motives that sometimes take on the character of noble motives.

Subparagraph 2 (e)

Question or request for clarification

Are the relevant provisions of the Penal Code of Lebanon applicable in all of the following circumstances:

- Acts committed outside Lebanon by a person who is a citizen of, or habitually resident in, Lebanon (whether that person is currently present in Lebanon or not);
- Acts committed outside Lebanon by a foreign national who is currently in Lebanon?

Response

1. Article 19 of the Lebanese Penal Code provides as follows:

   "Lebanese law is applicable to any Lebanese or foreign national who, whether as principal, abettor or accessory, proceeds, outside Lebanese territory or aboard a foreign vessel, to commit a felony against the security of the State, counterfeits the State seal, forges or counterfeits Lebanese or foreign banknotes or currency in circulation by law or by custom in Lebanon or falsifies Lebanese passports, entry visas, identity cards or extracts of records;

   "These provisions shall not apply, however, to a foreign national whose action is not in violation of the rules of international law."

2. Article 20 of the Code provides as follows:

"Lebanese law is applicable to any Lebanese who, whether as principal, abettor or accessory, proceeds, outside Lebanese territory, to commit a misdemeanour punishable under Lebanese law.

"This shall remain true even if the defendant loses or acquires Lebanese nationality subsequent to the commission of the felony or misdemeanour."

3. Article 23 of the Code provides as follows:

"Lebanese law is applicable to any foreign national who is in Lebanese territory and who has proceeded, abroad, whether as principal, abettor or accessory, to commit a felony or misdemeanour not provided for in articles 19, 20 or 21, unless his extradition has been requested or agreed to."

Pursuant to the articles cited above, the Lebanese Penal Code applies to acts committed outside Lebanon by a Lebanese or a foreign national resident in Lebanon or currently in Lebanon within the conditions stipulated in those articles.

Subparagraph 2 (f)

Question or request for clarification

Please outline the laws or international treaties which provide a legal basis for the implementation of this subparagraph in Lebanon.

Response

The Lebanese State, as a member of Interpol, furnishes to requesting States, within the framework of that international organization and its regulations, information in its possession concerning persons suspected of providing support or financing for terrorist acts. The competent security organs proceed, under the supervision of the Public Prosecutor at the Court of Cassation, to conduct the necessary investigations for obtaining such information in accordance with the provisions of the Code of Criminal Procedure, referred to above.

Inasmuch as the Lebanese State promptly acceded to 10 international conventions and protocols relating to terrorism, it is bound to apply all their provisions which have acquired the force of law.

It is also bound by the Arab Convention for the Suppression of Terrorism, to which it became a party pursuant to Law No. 57/99 and which contains detailed provisions on cooperation between the Contracting States for the prevention and suppression of terrorist offences in the areas of information exchange, investigations, letters rogatory, judicial cooperation and the exchange of evidence.

The competent judicial and security organs, under the supervision of the Office of the Public Prosecutor at the Court of Cassation, engage in such cooperation in accordance with the provisions of the aforementioned international agreements and protocols and Lebanese national law.

Question or request for clarification

How long does it take (on average) to implement a request for judicial assistance in criminal investigations or criminal proceedings relating to the financing or support of terrorist acts?

Response

The security organs and judicial authorities provide the requested judicial assistance as quickly as possible. It is not possible, however, to specify the period in an all-inclusive manner because the time required for an investigation depends on the difficulty and complexity of the investigation.

As for legal actions, trials and other criminal proceedings, they differ from case to case depending on the number of accused persons and witnesses and the seriousness and complexity of the criminal acts.

The Lebanese State can exhort its judges, in cases involving terrorist acts and their financing, to expedite the related criminal investigations and court proceedings and to accord such cases priority in view of their seriousness and their bearing on the security of the international community.

It can be affirmed, however, that the security bodies, under the supervision of the judicial authorities, exert themselves to the utmost to comply with requests for judicial assistance and to complete criminal investigation procedures in connection with all offences, especially those affecting State security, including the crimes of financing and supporting terrorist acts.

Subparagraph 2 (g)

Question or request for clarification

Please explain how the procedures for the issuance of identity papers and travel documents help prevent counterfeiting, forgery or fraudulent use of those documents.

Response

The procedure for the issuance of a Lebanese passport requires the submission of certain proofs of identity (identity card, certificate of residence, declarations of witnesses) and the examination of judicial and administrative records. In this process extreme care is exercised, especially where doubt exists as to the authenticity of any document. Present passports exhibit advanced technical features that render falsification difficult; moreover, the General Directorate of Public Security is about to issue a new type of Lebanese passport incorporating advanced, internationally recognized technical characteristics that will reduce to the minimum the possibility of falsifying data entries.

With regard to the issuance of identity papers, the procedures followed in the General Directorate of Personal Status, which is subordinate to the Ministry of Interior and Municipalities and placed under the authority of the Minister, call for verification of the identity of the applicant by means of a form to be filled in, indicating the particulars of his identity, the manner in which he obtained Lebanese nationality (by birth or by virtue of a republican decree or a judgement of the competent court in Lebanon, etc.). All the information entered on the form, including a photograph and the signature of the applicant, prints of all the fingers of both hands and the signatures of two Lebanese witnesses, must be certified by the mayor of the locality, village or quarter. Next, the information entered on the form is verified, and once it has been ascertained that the identity elements match those of the applicant, the form is sent to the identity card facility of the Ministry of Interior

and Municipalities. The facility, which is guarded by the Internal Security Forces, issues the dated, magnetized card, which comprises numerous security elements that make it difficult to falsify. It bears a unique number assigned to the cardholder and is delivered to him through the mayor of the quarter or village.

Question or request for clarification

Could Lebanon please provide CTC with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security, with particular regard to the border controls preventing the movement of terrorists?

Response

Cooperation among the various Lebanese agencies in the field of counter-terrorism takes place in some cases through coordination activities required by law and in others through the centralized work of the Office of the Public Prosecutor at the Court of Cassation, which oversees all public prosecutors' offices and the security forces that operate under its authority as a judicial police.

The General Directorate of Public Security performs the tasks of monitoring the entry of foreign nationals and verifying the authenticity of the documents carried by them. Moreover, it is provided with all the files on wanted persons and persons for whom judicial investigation or search warrants or warrants of arrest have been issued. It can check such documents for authenticity and seeks to enforce warrants, thus making it difficult for delinquents to travel and enter Lebanese territory to carry out terrorist acts.

The General Directorate of Public Security makes use of all information available from security attachés at the embassies concerned and takes measures to be on the alert for the entry of individuals to whose activity attention has been drawn by those attachés. In addition, the General Directorate cross-checks all information obtained concerning them and concerning possible Al-Qa'ida activity in Lebanon and reports the results to the embassies concerned.

The General Directorate of Public Security also stresses coordination with Interpol and the utilization of all information obtained from it, particularly with regard to visas and lost and falsified passports and travel documents, and circulates such information to all land, air and sea exit/entry posts, where such documents are checked and their bearers arrested and handed over to the judicial authorities.

Through the Office to Combat Terrorism, the Drug Control Office and the Office for the Control of Financial Crime, the Directorate of Internal Security Forces observes the actions of suspects and persons with prior records and establishes links between their movements into and out of Lebanese territory and their activities inside that territory. It monitors their accounts, once that has been made possible under the money-laundering law, and is furnished with information on the movements of their accounts and on whether any flows take place to terrorist groups under any external guise whatsoever.

The Intelligence Directorate of the Lebanese Army is very active in the surveillance of persons suspected of having committed crimes affecting the internal or external security of the State. It plays a prominent and active role in the arrest of members of terrorist groups in Lebanon.

The Customs Administration also plays a part in respect of the movement of suspicious goods and their entry into and exit from Lebanese territory to support or finance terrorist acts.

The money-laundering law opened the way for the Special Investigation Commission to freeze accounts connected with terrorist acts, drug-related crimes and arms trafficking after they are stripped of banking secrecy. The Office of the Public Prosecutor at the Court of Cassation is then notified, in order that it may conduct the necessary investigations to bring the delinquents to trial and obtain a judgement for the confiscation of assets relating to terrorist acts and the crimes specified in the money-laundering law.

Subparagraph 3 (a)

Question or request for clarification

Please outline the legal provisions which implement this subparagraph.

Response

The law of 10 July 1962 pertaining to entry into, residence in and exit from Lebanon prohibits entry into or exit from Lebanon otherwise than via points controlled by Public Security. Pursuant to that law, the General Directorate of Public Security issues, on instructions from the judicial authority, search and investigation warrants for wanted persons and persons suspected of terrorist or other offences and circulates them via computer and electronic mail to all offices, border crossing points, seaports and airports so that the necessary steps may be taken in respect of such persons immediately upon their arrival (denial of entry, arrest, etc.).

It should be noted that all border crossing points are equipped with computers containing the names of all persons wanted for arrest and for interrogation by the competent judicial and security authorities.

In addition, with respect to such matters the General Directorate of Public Security immediately coordinates with all the embassies in Lebanon, through their security attachés, the exchange of information on terrorists and terrorist networks with a view to detecting forged or falsified travel documents and corroborating information on trafficking in arms, explosives or sensitive substances, the use of communication technology by terrorist groups and the threat posed by terrorist groups possessing weapons of mass destruction.

All Public Security offices and posts and the Internal Security Forces are charged with monitoring the activities and movements of foreign nationals upon any violation by them of the laws in force throughout Lebanese territory and interrogating them in accordance with the laws in force, in particular the law of 10 July 1962 pertaining to entry into, residence in and exit from Lebanon, the Lebanese Penal Code and decision No. 115 of 12 August 1932 on combating crimes that violate public security in Lebanon, combating terrorism and the use by terrorist groups of weapons of mass destruction. In case of confirmed crime, the General Directorate of Public Security proceeds, under the supervision of the Public Prosecutors' offices, to issue search and investigation warrants and notices of denial of entry, to adopt other restrictive measures and to circulate them to all border posts and to the Interpol office, which in turn makes use of them and exchanges them with other States concerned.

Subparagraph 3 (c)

Question or request for clarification

Please provide a list of bilateral agreements for the purpose of preventing and suppressing terrorist attacks and for taking action against perpetrators of such acts (such as extradition treaties or agreements on mutual legal assistance) to which Lebanon is a party.

Response

Lebanon is a party to the bilateral agreements indicated below:

- **Agreement on the extradition of criminals between Lebanon and Iraq, signed at Beirut on 6 May 1929 and at Baghdad on 23 May 1929;**
- **Agreement on the extradition of criminals between Lebanon and Yemen, permission for the ratification of which was granted by the Law of 15 February 1949;**
- **Judicial agreement concluded between Lebanon and Syria, signed at Damascus on 25 February 1951 (Law of 28 October 1951);**
- **Judicial agreement concluded between Lebanon and Jordan (law promulgated in April 1954);**
- **Agreement on the exchange of criminals between Lebanon and Kuwait (Decree No. 15743 of 13 March 1964);**
- **Agreement on the execution of judgements, concluded between Lebanon and Kuwait (Decree No. 15744 of 13 March 1964);**
- **Treaty on the extradition of criminals between Lebanon and Belgium (Law No. 33/64 of 17 November 1964);**
- **Agreement on judicial notices and letters rogatory, concluded with Kuwait (Decree No. 9795 of 4 May 1968);**
- **Agreement on judicial cooperation, reciprocal enforcement of judgements and extradition of criminals, concluded between Lebanon and Tunisia (Law No. 38/68 of 30 December 1968);**
- **Judicial agreement between Lebanon and Italy (Decree No. 3257 of 17 May 1972);**
- **Agreement supplementary to the judicial agreement concluded between Syria and Lebanon on 25 February 1951 (Law No. 630 of 23 April 1997);**
- **Judicial agreement between Lebanon and Egypt, permission for the conclusion of which was granted to the Government by Law No. 693 of 5 November 1998;**
- **Ten international conventions on terrorism to which Lebanon is a party and the Arab Convention for the Suppression of Terrorism, signed at Cairo on 22 April 1998, which will constitute a basis for the conclusion of any future bilateral agreements.**

Subparagraph 3 (d)

Question or request for clarification

Please provide a periodic report (progress report) on the signing by Lebanon of those relevant international conventions and protocols relating to terrorism to which Lebanon has not yet acceded.

Response

We reaffirm what is stated in Lebanon's report to the Counter-Terrorism Committee dated 13 December 2001, i.e., that Lebanon has acceded to 10 of the 12 conventions for the suppression of terrorism and is in the process of acceding to the two conventions that it did not sign at the time, namely the International Convention for the Suppression of Terrorist Bombings of 5 December 1997 and the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999. Letters have been sent to the competent administrations to initiate the appropriate legal procedures.

Subparagraph 3 (e)

Question or request for clarification

Have the crimes set forth in the relevant international conventions and protocols relating to terrorism to which Lebanon is a party been included as extraditable offences in the bilateral treaties which Lebanon has concluded, as provided for in those international conventions and protocols?

Response

At the time of drafting of this report, the official administrations took note of the need to include the crimes specified in the relevant international conventions and protocols relating to terrorism to which Lebanon is a party as extraditable offences in any bilateral agreements that may be concluded in the future. We shall inform you subsequently of any new developments in that regard.

Subparagraph 4

Question or request for clarification

Has Lebanon addressed any of the concerns expressed in paragraph 4 of the resolution?

Response

Under Law No. 318 of 20 April 2001 (money-laundering law) Lebanon established a link between the crimes referred to in the said paragraph 4 for the purposes of determining the sources of illegal funds. Combating those crimes involves close cooperation among the bodies of the Internal Security Forces competent in that regard (Drug Control Office, Office for the Control of Financial Crime, Office to Combat Terrorism and Crimes Affecting State Security, etc.), and coordination takes place through the related bilateral, regional and international agreements concluded by Lebanon and the exchange of information and consultations between the Lebanese security organs, Interpol and the military attachés accredited in Lebanon.

Other matters

Question

Could Lebanon please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other instruments that are seen as contributing to compliance with the resolution?

Response

Consultations take place on an ongoing basis among the organs referred to in the question, as well as periodically and as needed in the Council of Ministers or among the ministries and administrations concerned. Some aspects of this question have been dealt with in our response to the second question pertaining to subparagraph 2 (g).